

1 Keith Zakarin (SBN 126528)

2 **DUANE MORRIS LLP**

101 West Broadway, Suite 900

San Diego, CA 92101

Telephone: 619.744.2200

Facsimile: 619.744.2201

E-Mail: kzakarin@duanemorris.com

Bradley M. Pinsky (proposed pro hac vice)

SCICCHITANO & PINSKY, PLLC

5789 Widewaters Parkway

Syracuse, New York 13214

Telephone: 315.428.8344

Facsimile: 315.475.8230

Attorneys for Defendant

Continuing Education Coordinating Board For

Emergency Medical Services

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

TARGETSAFETY.COM, INC., a California
corporation,

Plaintiff,

v.

CONTINUING EDUCATION COORDINATING
BOARD FOR EMERGENCY MEDICAL
SERVICES, INC., a Missouri non-profit corporation
and DOES 1-10,

Defendants.

) Case No.: 08-CV-0994-JLS-JMA

) **NOTICE OF MOTION AND MOTION
TO DISMISS ACTION FOR LACK OF
GENERAL OR SPECIFIC
JURISDICTION, TO DISMISS
SECOND CAUSE OF ACTION AND
TO CHANGE VENUE**

) Date: October 16, 2008

) Time: 1:30 p.m.

) Dept: 6

) Judge: Janis L. Sammartino

) Complaint Filed: June 4, 2008

Please take notice that on October 16, 2008, Defendant CECBEMS shall move, and hereby
does move for an order dismissing plaintiff's complaint for lack of personal jurisdiction over
CECBEMS. Alternatively, CECBEMS moves for an order that venue is improper in this district,
and transferring venue to the Northern District of Texas, Dallas Division. Finally, if personal
jurisdiction and venue exist in this district, CECBEMS moves for an order dismissing plaintiff's
second cause of action for failure to state a cause of action. These motions shall be and are based on

DM1\1375586.1

NOTICE OF MOTION AND MOTION TO DISMISS ACTION FOR LACK OF GENERAL OR SPECIFIC JURISDICTION,
TO DISMISS SECOND CAUSE OF ACTION CASE NO.: 08-CV-0994-JLS-JMA

1 Fed. R. Civ. P. 12 (b)(1), Fed. R. Civ. P. 12(b)(2), Fed. R. Civ. P. 12(b)(3), and Fed. R. Civ. P.
2 12(b)(6), the accompanying memorandum of points and authorities and declarations, and the
3 evidence contained in the files of this action before the court.

4 1. Defendant requests this Honorable Court grant its Motion to Dismiss Plaintiff's
5 Complaint For Lack of General or Specific Jurisdiction over CECBEMS;
6

7 2. In the alternative, if personal jurisdiction exists, Defendant requests this Honorable
8 Court grants its Motion for Change of Venue;

9 3. In the alternative, if personal jurisdiction exists, Defendant requests this Honorable
10 Court grant its Motion to Dismiss Plaintiff's Second Cause of Action for Breach of Contract.

11 Dated: August 8, 2008

DUANE MORRIS LLP

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13 By: s/Keith Zakarin
14 Keith Zakarin
15 Attorneys for Defendant
16 Continuing Education Coordinating Board For
17 Emergency Medical Services
18 E-mail: kzakarin@duanemorris.com
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DECLARATION OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Targetsafety.com, Inc. v. CECBEMS, Inc.*
Case No.: 08-CV-0994 JLS (JMA)

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 101 West Broadway, Suite 900, San Diego, California 92101. On the date listed below, I served the document(s) entitled:


NOTICE OF MOTION AND MOTION TO DISMISS ACTION FOR LACK OF GENERAL OR SPECIFIC JURISDICTION, TO DISMISS SECOND CAUSE OF ACTION AND TO CHANGE VENUE

☒ via electronic service to the attorneys of record on file with the U.S. District Court for this case, as follows:

Frank L. Tobin, Esq. Attorneys for Plaintiff
Mathieu G. Blackston
Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, CA 92101
Phone: 619-238-1900
Fax: 619-235-0398

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed August 8, 2008, at San Diego, California.


Diane M. Koski